

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DEVANDRA RAJ ACHARYA, Individually
and on Behalf of All Others Similarly Situated,

Plaintiff,
-against-
JIMMY K. SOLANKI,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 10/6/2020

1:18-cv-08010 (MKV)

ORDER

MARY KAY VYSKOCIL, United States District Judge:

On October 6, 2020, the Court held a Hearing pursuant to the Order to Show Cause, dated September 23, 2020 [ECF #59], which ordered, *inter alia*, Defendant and his prior counsel to show cause why sanctions should not be imposed for failure to comply with discovery orders. Counsel for Plaintiff and former counsel for Defendant Jimmy Solanki appeared at the conference. Defendant did not appear.

As discussed at the hearing, the Court finds that sanctions against Defendant's former counsel are not warranted because he complied with all terms of the Court's orders. However, Defendant continues to fail to comply with the Court's discovery orders, and, to date, has not provided documents or information as ordered by the Court on August 17, 2020. *See* ECF #56. As a result, Plaintiff filed a motion to compel and for sanctions against Defendant on October 5, 2020. *See* ECF #64. By this Order, the Court is giving Defendant a final opportunity to comply with his discovery obligations.

IT IS HEREBY ORDERED that Plaintiff's Motion [ECF #64] is GRANTED to the extent that Defendant is ordered to produce by October 20, 2020 all documents which the Court has previously ordered produced, including in the Court's Order dated August 17, 2020, and to contact plaintiff's counsel to arrange for a deposition of Defendant. The discovery deadline of

October 30, 2020 remains in place. Plaintiff's alternative request for sanctions is denied at this time.

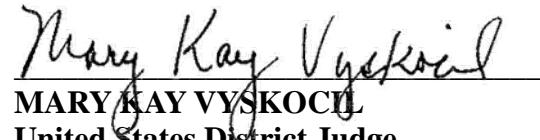
IT IS FURTHER ORDERED that if Defendant fails to produce these materials or otherwise fails to contact Plaintiff regarding the conduct of discovery, Plaintiff may file a renewed motion for specific sanctions.

FAILURE TO COMPLY WITH THIS ORDER, PRIOR ORDERS OF THE COURT, AND WITH DEFENDANT'S DISCOVERY OBLIGATIONS MAY RESULT IN SANCTIONS, POTENTIALLY INCLUDING MONETARY SANCTIONS, PRECLUSION OF EVIDENCE OR DEFENSES, OR STRIKING OF DEFENDANT'S ANSWER.

The Court will mail a copy of this Order to Defendant at the address included in ECF #60. Plaintiff's counsel also is directed to mail and email this Order to Defendant.

SO ORDERED.

Date: October 6, 2020
New York, NY


MARY KAY VYSKOCIL
United States District Judge